

Application No. 10/530,509  
Paper Dated January 8, 2008  
Attorney Docket No. 1107-050938

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/530,509 Confirmation No. : 4953  
Applicants : Christian Baccelli et al.  
Filed : April 6, 2005  
Title : PLATE FIXING SYSTEM  
Group Art Unit : 3733  
Examiner : Tara R. George  
Customer Number : 28289

MAIL STOP PETITIONS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE  
TO RECEIVE OFFICE ACTION (MPEP 711.03(c) AND 37 C.F.R. §1.181(a))**

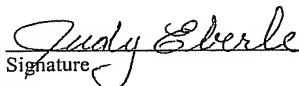
Sir:

Applicants hereby petition to withdraw the holding of abandonment in this case, on the basis that the Notice of Allowance was not received.

Applicants' undersigned representative hereby states that the Notice of Allowance and Fee(s) Due indicated as mailed on August 14, 2007 was not received by Applicants' representative. A search of the file jacket and the docket records confirms that this Notice of Allowance and Fee(s) Due was not received.

I hereby certify that this correspondence is being electronically submitted to the United States Patent and Trademark Office on the date below.

Judy Eberle  
(Name of Person Mailing Papers)

  
Signature

January 8, 2008  
Date

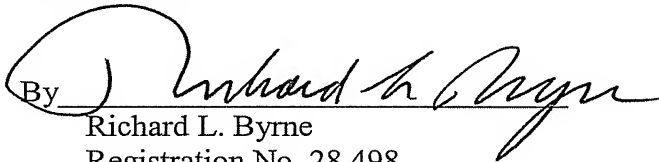
Attached hereto as Exhibit A is a copy of the docket record where the non-received Notice of Allowance and Fee(s) Due would have been entered had it been received and docketed. A Notice of Allowance and Fee(s) Due with a mailing date of August 14, 2007 would have been entered into the docket record after the Amendment filed December 18, 2006 (indicated as Box A on page 2 of the docket record) and before the Priority Acknowledgement mailed September 14, 2007 (indicated as Box B on page 2 of the docket record). Accordingly, Exhibit A shows that there is no indication that the Notice of Allowance and Fee(s) Due in the present case was ever received by Applicants' representative.

As additional evidence of non-receipt of the Notice of Allowance and Fee(s) Due, attached hereto as Exhibit B is a copy of the file jacket record where the non-received Notice of Allowance and Fee(s) Due would have been entered had it been received and docketed. A Notice of Allowance and Fee(s) Due with a mailing date of August 14, 2007 would have been docketed for November 14, 2007 (three months from the mailing date) for payment of the issue fee. As shown in Exhibit B, there is no indication that the Office Action in the present case was ever received by Applicants' representative.

In consideration of the aforementioned submissions, Applicants respectively request that the Notice of Abandonment for the above-identified application be withdrawn and that a new Notice of Allowance and Fee(s) Due be issued. No fee is believed to be due for the filing of this Petition. Nevertheless, the Commissioner for Patents is hereby authorized to charge any fees which may be required to Deposit Account No. 23-0650.

Respectfully submitted,

The Webb Law Firm

By 

Richard L. Byrne  
Registration No. 28,498  
Attorney for Applicants  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone: 412-471-8815  
Facsimile: 412-471-4094  
E-mail: webblaw@webblaw.com

**EXHIBIT A**  
**(Docket Record)**

# Case Detail Report

Client 1107 Cabinet Beau de Lomenie  
Billing Class:14 PATENT - incoming from foreign law firm Status: PUBLISHED  
Billing Rate: 001 Standard Billing Group: No Bill Group  
1107-050938 US  
United States Utility Patent Application entitled "Plate Fixing System"  
First Named Inventor: Christian Baccelli  
Serial Number: 10/530,509 Date Filed: 10/02/2003  
Your Ref.: 02/GYD/FD-H80222 Cas 19

Matter Dates		Attorney(s)	
Start Date	03/28/2005	Init Atty 008	Richard L. Byrne
Activity Closed		Bill Atty 008	Richard L. Byrne
Closed		Resp Atty 008	Richard L. Byrne

Last Operator: KLP Last Date: Dec 18 2007 12:00AM- Matter note not entered

Client Note: Client note not entered

Related Matters
No Related Matters

## Docket Events

Pending Event: Scheduled 02/11/2008: Attorney No.(s) 008 039  
PETITION DUE

\*\*\*\* KLP - 12/18/07 10:02 AM \*\*\*\* NOTICE OF ABANDONMENT DATED 12/11/07 RECEIVED -- PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT REQUIRED.;

Pending Event: Scheduled 10/02/2023: Attorney No.(s) 008  
Patent Expiration  
Notes not entered

Completed Event: Completed 04/07/2005: Attorney No.(s) 008  
APPL FILING DEADLINE  
Application sent to PTO via EM 4/6/05--kat.;

Completed Event: Completed 04/06/2005: Attorney No.(s) 008  
DECLARATION DUE  
Notes not entered;

Completed Event: Completed 09/06/2005: Attorney No.(s) 008  
FILG RCPT STATUS CHK  
Notes not entered;

Completed Event: Completed 11/06/2005: Attorney No.(s) 008  
INF DISCLOSURE STMT  
8/26/05 - to JJB to prepare (llm); 10/14/05 to AD to prepare (llm); FILED 11/1/05 [key];

Completed Event: Completed 09/06/2005: Attorney No.(s) 008  
CLAIM PRIORITY  
National phase application. Confirm that USPTO acknowledges receipt (knw).; acknowledged on Notice of Acceptance dated 8/15/05 -- klp.;

Completed Event: Completed 01/07/2006: Attorney No.(s) 008  
PUBLICATION  
Notice of New or Revised Projected Publ Date received-current projected publ date is 11/17/05-klp; reported 8/26/05 (raw); 2nd Notice received-new  
projected pub date is 12/8/05-klp; reported 11/21/05 (raw); publ reported to client 1/23/06 (raw);

Completed Event: Completed 04/06/2005: Attorney No.(s) 008  
ASSIGNMENT  
Assignors, Inventors; Assignee, Spine Next; Reel 16986; Frames 294-295.;

Completed Event: Completed 04/06/2005: Attorney No.(s) 008  
PRELIM AMENDMENT  
Notes not entered;

Completed Event: Completed 04/06/2005: Attorney No.(s) 008  
Filed Date  
Notes not entered;

# Case Detail Report

Client 1107 Cabinet Beau de Lomenie  
Billing Class:14 PATENT - incoming from foreign law firm Status: PUBLISHED  
Billing Rate: 001 Standard Billing Group: No Bill Group  
1107-050938 US  
United States Utility Patent Application entitled "Plate Fixing System"  
First Named Inventor: Christian Baccelli  
Serial Number: 10/530,509 Date Filed: 10/02/2003  
Your Ref.: 02/GYD/FD-H80222 Cas 19

Completed Event: Completed 10/07/2002: Attorney No.(s) 008  
Priority Date  
Notes not entered;

Completed Event: Completed 12/08/2005: Attorney No.(s) 008  
Publication Date  
Notes not entered;

Completed Event: Completed 10/07/2002: Attorney No.(s) 008  
First Filed Date  
Notes not entered;

Completed Event: Completed 10/02/2003: Attorney No.(s) 008  
PCT Filing  
Notes not entered;

Completed Event: Completed 09/06/2006: Attorney No.(s) 008  
STATUS CHECK  
Notes not entered;

Completed Event: Completed 08/18/2006: Attorney No.(s) 008  
BASE DATE: Office Action  
Notes not entered;

Completed Event: Completed 12/18/2006: Attorney No.(s) 008 041  
Response to Office Action-Extension 1 of 3  
\*\*\*\* LLM - 12/18/06 4:16 PM \*\*\*\* to PTO

\*\*\*\* LLM - 11/27/06 3:12 PM \*\*\*\* - to Lara to prepare Amendment;

Completed Event: Completed 11/18/2006: Attorney No.(s) 008 041  
CANCELED APP:Rule Autocomplete;Response to Office Action  
\*\*\*\* LLM - 8/23/06 10:09 AM \*\*\*\* - to Lara to report out to client;

Completed Event: Completed 01/18/2007: Attorney No.(s) 008 041  
CANCELED APP:Rule Autocomplete;Response to Office Action-Extension 2 of 3  
\*\*\*\* LLM - 12/18/06 4:16 PM \*\*\*\* to PTO;

Completed Event: Completed 02/18/2007: Attorney No.(s) 008 041  
CANCELED APP:Rule Autocomplete;Response to Office Action-Final Extension of 3  
\*\*\*\* LLM - 12/18/06 4:16 PM \*\*\*\* to PTO;

Completed Event: Completed 12/18/2006: Attorney No.(s) 008  
Status Check for Subsequent Action After Response (Base Date)  
Notes not entered;

Completed Event: Completed 12/18/2006: Attorney No.(s) 008  
1 Month Ext of Time  
Notes not entered;

Completed Event: Completed 09/14/2007: Attorney No.(s) 008  
Priority Document  
Notes not entered;

Completed Event: Completed 05/18/2007: Attorney No.(s) 008  
CANCELED APPOINTMENT: ;Status Check for Subsequent Action After Response (5 Months)

\*\*\*\* BLW - 9/18/07 4:06 PM \*\*\*\*  
ltr to associate req. further instruction re Ms. Vironi and IDS needing filed.;

Completed Event: Completed 08/18/2007: Attorney No.(s) 008  
CANCELED APPOINTMENT: ;Status Check for Subsequent Action After Response (8 Months)

\*\*\*\* BLW - 9/18/07 4:06 PM \*\*\*\*  
ltr to associate req. further instruction re Ms. Vironi and IDS needing filed.;

A

No Entry

B

# Case Detail Report

**Client** 1107 **Cabinet Beau de Lomenie**  
**Billing Class:** 14 **PATENT - incoming from foreign law firm** **Status:** PUBLISHED  
**Billing Rate:** 001 **Standard** **Billing Group:** No Bill Group  
**1107-050938** **US**  
**United States Utility Patent Application entitled "Plate Fixing System"**  
**First Named Inventor:** Christian Baccelli  
**Serial Number:** 10/530,509 **Date Filed:** 10/02/2003  
**Your Ref.:** 02/GYD/FD-H80222 Cas 19

Completed Event: Completed 11/18/2007: Attorney No.(s) 008  
CANCELED APPOINTMENT: ;Status Check for Subsequent Action After Response (11 Months)

\*\*\*\* BLW - 10/28/07 8:54 AM \*\*\*\*  
further ltr to associate req. further instruction re Ms. Vroni and ROL OA.  
\*\*\*\* BLW - 9/18/07 4:06 PM \*\*\*\*  
ltr to associate req. further instruction re Ms. Vroni and IDS needing filed.;

Completed Event: Completed 02/18/2008: Attorney No.(s) 008  
Status Check for Subsequent Action After Response (14 Months)

\*\*\*\* BLW - 10/28/07 8:55 AM \*\*\*\*  
further ltr to associate req. further instruction re Ms. Vroni and ROL OA.  
\*\*\*\* BLW - 9/18/07 4:06 PM \*\*\*\*  
ltr to associate req. further instruction re Ms. Vroni and IDS needing filed.;

Completed Event: Completed 12/11/2007: Attorney No.(s) 008  
Response to Office Action 2mo  
Notes not entered

## Party Information

Name and Address	Phone Numbers	Remarks
------------------	---------------	---------

### ASSIGNEE

Spine Next

### ASSIGNEE 2

Abbott Spine  
23 Parvis des Chartrons, Cité Mondiale  
33000 BORDEAUX  
France

### ASSIGNOR

Christian Baccelli  
35 Avenue du General de Gaulle  
Ayguemorte Ides Graves, F-33640  
France

### ASSIGNOR

Paolo Mangione  
73 Rue Xavier Arnozan,  
F-33600 Pessac, France

### ASSIGNOR 2

Spine Next

### BILLING ADDRESS

Cabinet Beau de Loménie  
158, rue de l'Université  
(W) 331-441-8890

# Case Detail Report

**Client** 1107 **Cabinet Beau de Lomenie**  
**Billing Class:** 14 **PATENT - incoming from foreign law firm** **Status:** PUBLISHED  
**Billing Rate:** 001 **Standard** **Billing Group:** No Bill Group  
**1107-050938** **US**  
**United States Utility Patent Application entitled "Plate Fixing System"**  
**First Named Inventor:** Christian Baccelli  
**Serial Number:** 10/530,509 **Date Filed:** 10/02/2003  
**Your Ref.:** 02/GYD/FD-H80222 Cas 19

---

75340 Paris Cedex 07

## CORRESPONDENCE ADDRESS

Guy Dronne (W) 011-33-1-44-18-89-00  
158, rue de l'Université (F) 011-33-1-44-18-04-23  
75340 Paris Cedex 07

## CPA CONTACT

Cabinet Beau de Loménie (W) 011 33 1 44 18 89 00  
158, rue de l'Université (F) 011 33 1 44 18 04 23  
75340 Paris Cedex 07

## INVENTOR FIRST NAMED

Christian Baccelli  
35 Avenue du General de Gaulle  
Ayguemorte Ides Graves, F-33640  
France

## INVENTOR

Paolo Mangione  
73 Rue Xavier Arnoz,  
F-33600 Pessac, France

## OWNER

Abbott Spine  
23 Parvis des Chartrons, Cité Mondiale  
33000 BORDEAUX  
France

**EXHIBIT B**  
**(File Jacket Record)**



1107-050938

COUNTRY: UNITED STATES PATENT  
TITLE: Plate Fixing System  
CLIENT: Cabinet Beau de Lomenie  
ATTY: RLB CLIENT REF: 02/GYD/FD-H80222  
Updated by: jlw Date: 3/28/2005

Related Files:

Foreign License Granted  
Foreign Applications:

Country

File No.

Publication No. US 2005-027309-A1

Publication Date: December 8, 2005

Country  
Applicant(s)

Title

COUNTRY: UNITED STATES PATENT

TITLE: Plate Fixing System

CLIENT: Cabinet Beau de Lomenie

ATTY: RLB

CLIENT REF: 02/GYD/FD-H80222  
Updated by: jlw Date: 3/28/2005

Serial No. 10/530,509 Filed  
Group 37338 Information Disc  
Preliminary Amen

OFFICE ACTIONS

RESPONSE DUE

FILED UNDER FILED

Aug. 18, 2006

MAR. 11, 2006

Dec. 18, 2006  
Notice of Abandonment  
Dec. 11, 2007

Retention Due

Feb. 11, 2008

Allowed

Issue Fee Due

Issue Fee Paid

Patent No. }  
Certificate }

Date

Assign. Recorded April 6, 2005  
MAR 28, 2006

Reel 16986 Frame 294-295  
17049 371-378

Priority Doc. Filed

acknowledged - Sept 14, 2007